

Zoning Board of Appeals
Town of Dryden
(Area Variance)

Having been denied permission to: Continue construction of small 10 ft X 10 ft single story "KIOSK" building. Due to placement of footer location within set back distance per local code.

At 1410 Dryden Rd Dryden, N.Y.

The UNDERSIGNED affirms that the benefit to the undersigned if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant in that:

A. There will be no change in the character of the neighborhood nor cause any detriment to nearby properties. This small one story building was planned to be erected with the same plans and design, but 8 feet 7 inches further away from the road. In the current location, the elevation of the finished building will be 3 to 4 feet lower than the original location allowing for less skyline deviation. This building will now be at its highest point the same level of the proposed fence line.

B. Because the kiosk will be used by customers to access the facility, it needs to be near the gate. A drainage pipe from a dry swale to the west interfered with the planned location. Pushing the small structure forward was the most practical solution. An area variance is the only method to resolve this matter. The footer forms and rebar were in place when the encroachment was discovered. After discussing the issue with the Code Enforcement Officer, the decision was made to pour the footer with the knowledge that a variance wasn't guaranteed. The placement of the small one story 10 ft X 10 ft building is minimally inside the 40 ft setback requirements of the code. The footer of the building is currently located 8 ft 7 inches inside the 40 ft set back.

C. The current location of this small building inside the 40 ft setback is not substantial and should not incur any issues with the safety and welfare of the community or surrounding neighbors. In relation to the distance from State road 13, the building is still located within the parameters of the construction of the storm structures and does not protrude or impede on the site line of passerby's that would cause de-beautification of State Road 13.

D. This structure will not have any adverse effect on the environment. Per the approved site plan, the amount of water displacement and drainage will remain the same.

E. This is a self-created matter and was done inadvertently and unintentional. No monetary, visual, or property benefits come of this placement of the small building.